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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,319	12/29/2000	Robert Walter Schreiber	52817.000122	6995

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EXAMINER

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/06/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/750,319

Applicant(s)
Robert Schreiber

Examiner
JACQUES VEILLARD

Art Unit
2175



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 29, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5, 7 6) ☐ Other:

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DETAILED ACTION

1. This office action is in response to the Applicant's application filed on 12/29/2000.
2. Claims 1-20 are presented for examination.
3. Claims 1, 6, 11, and 16 are the independent claims. Other claims are the dependent.

Information Disclosure Statement

4. The information disclosure statement submitted on 1/23/2001 (Paper No. 5) and on 1/29/2003 (Paper No. 7) was filed after the mailing date of the application on 12/29/2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

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(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1-3, 6-8, 11-13, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lau (U. S. Pat. No. 6,101,500).

As per claim 1, Lau similarly discloses a system for managing conceptual information (See col.8, lines 46-63), comprising: hierarchical data container creating means for creating at least one hierarchical data container (See Fig.3, component 301 which contains a number of container objects 303-305, and col.12, lines 24-41); hierarchical data list creating means for creating at least one hierarchical data list that comprises the at least one hierarchical data container (See col.11, lines 16-57, and col.12, lines 42-67); storing means for storing data in the at least one hierarchical data container (See col.8, lines 52-63, and col.9, lines 33-40); and wherein the data stored by the at least one hierarchical data list comprises a concept (See col.2, lines 57-60, and col.11, lines 48-57).

As per claims 6 and 16, the claims have substantially the same limitations as claim 1. These limitations have already been discussed in claim 1 rejection above. Therefore, they are rejected on similar ground.

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As per claim 11, the claim has substantially the same limitations as claim 1. Except that the claim recites a processor which is also disclosed by Lau (See Fig. 2A element 201 and Fig. 2C element 253). All other limitations have already been discussed in claim 1 rejection above. Therefore, they are rejected on similar ground.

As per claim 2, Lau discloses the claimed invention limitations, wherein the concept is stored as a single entity (See col.2, lines 6-11, col.8, lines 37-45 "SNMP" corresponds to single entity, col.10, lines 8-16, and lines 40-48).

As per claims 7, 12, and 17, the claims have substantially the same limitations as claim 2. These limitations have already been discussed in claim 2 rejection above. Therefore, they are rejected on similar ground.

As per claim 3, Lau discloses the claimed invention limitations, wherein the concept is a color (See abstract lines 22-25, and col.2, lines 61-64).

As per claims 8, 13, and 18, the claims have substantially the same limitations as claim 3. These limitations have already been discussed in claim 3 rejection above. Therefore, they are rejected on similar ground.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 5, 9, 10, 14, 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau (U. S. Pat. No.6,101,500) as applied to claim 1 above, and further in view of Becker (U. S. Pat. No. 6,034,697).

As per claim 4, Lau teaches a system for managing objects in a hierarchical data structure suggesting a flag indicator having a color showing the composite index for the network object (See Abstract lines 22-27). Lau does not explicitly teach the system wherein the color is defined according to a three dimensional color space.

Becker teaches an interpolation method between relational table for purposes of animating data visualization (See Title and Abstract lines 11-8). The method taught by Becker includes the features, wherein the color is defined according to a three dimensional color space (See Fig.3, Fig.8 , col.3, lines 11-13, lines 26-29, col.8, lines 30-36, and col.11, lines 32-38).

It would have been obvious to a person of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Lau with the teachings of Becker to incorporate in Lau's system a thee dimensional color space as taught by Becker with the motivation for a user

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to visualize data into a multivariate color for the smooth animation of a scatter plot along one or more additional dimensions.

As per claims 9, 14, and 19, the claims have substantially the same limitations as claim 4. These limitations have already been discussed in claim 4 rejection above. Therefore, they are rejected on similar ground.

As per claim 5, the combination of Lau and Becker as modified teaches the claimed invention limitations, wherein the color is defined according to red, green, and blue attributes of the color (See Becker's col.3, line 60 through col.4, line 8).

As per claims 10, 15, and 20, the claims have substantially the same limitations as claim 5. These limitations have already been discussed in claim 5 rejection above. Therefore, they are rejected on similar ground.

Other Prior Art Made of Record

10.	Wilcox et al.	U. S. Pat. No. 5,568,639,
	Zellweger	U. S. Pat. No. 5,630,125,
	Pajak et al.	U. S. Pat. No. 5,388,196,
	McKinnon et al.	U. S. Pat. No. 6,392,667, and

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Bogdan

U. S. Pat. No. 6,191,790.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. **Any response to this action should be mail to:**

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 746-7239 (for formal communication intended for entry)

Or:

(703) 746-7240 (for informal of draft communications, please label

“PROPOSED” or “DRAFT”)


Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington.

VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax phone number for this group is (703) 308-5403.


HOSAIN T. ALAM
PRIMARY EXAMINER

Jacques Veillard

Jacques Veillard
Patent Examiner TC 2100

April 28, 2003